

Introduced by Senator Torlakson

February 17, 2005

An act to amend Section 17071.30, and to add Section 17071.31 to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, as introduced, Torlakson. School facilities: existing school building capacity.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law provides that eligibility for funding under these provisions is, in part, determined by calculating the existing school building capacity of a school district, and provides that certain portable classrooms are excluded from that capacity.

This bill would also exclude from the calculation leased portable classrooms and certain replacement portable classrooms.

The bill would provide that if the State Allocation Board requires a school district to reestablish its existing school building capacity, then the State Allocation Board is required to exclude leased portable classrooms and certain replacement portable classrooms from that calculation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17071.30 of the Education Code is amended to read:

17071.30. For purposes of determining the existing school building capacity, each applicant school district shall include each portable classroom, ~~whether owned or leased~~, except as otherwise provided in subdivision ~~(a) or (b)~~ (a), (b), or (c).

(a) ~~Portable classrooms leased pursuant to Chapter 14 (commencing with Section 17085) leased by that school district pursuant to a lease, including a lease with an option to purchase~~ shall be excluded from the existing school building capacity. Portable classrooms obtained by an applicant district pursuant to subdivision (b) of Section 17088.5 shall be excluded from the existing school building capacity, except as to any portable classroom or classrooms for which the district rejected the board's offer to purchase pursuant to that subdivision. Portable classrooms leased for a period of less than five years prior to the date of application shall not be included in existing school building capacity.

(b) The number of portable classrooms, reduced by the number of portable classrooms used as interim housing for modernization projects, that exceed 25 percent of the number of permanent classrooms available to the district shall not be included in the existing building capacity.

(c) *Portable classrooms used by an applicant district to replace classrooms that have been demolished, disposed of, or are no longer sufficient for classroom use, shall be excluded from the existing school building capacity.*

SEC. 2. Section 17071.31 is added to the Education Code, to read:

17071.31. If the board requires a school district to reestablish its existing school building capacity by updating its existing baseline capacity determined pursuant to subdivision (a) of Section 17071.10, both of the following shall be excluded from the existing school building capacity of that school district:

(a) A portable classroom leased by that school district pursuant to a lease or a lease with an option to purchase.

- 1 (b) A portable classroom used by an applicant district to
- 2 replace a classroom that has been demolished, disposed of, or is
- 3 no longer sufficient for classroom use.

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